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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/658,339   | 09/10/2003  | Paul A. Spuck        | 23440.00            | 1866             |
| 7590   | 10/20/2004  |                      | EXAMINER            |                  |
| Richard C. Litman<br>LITMAN LAW OFFICES, LTD.<br>P.O. Box 15035<br>Arlington, VA 22215 |             |                      | LOWE, MICHAEL S     |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3652                |                  |

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |                |
|------------------------------|-----------------|----------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s)   |
|                              | 10/658,339      | SPUCK, PAUL A. |
|                              | Examiner        | Art Unit       |
|                              | M. Scott Lowe   | 3652           |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 September 2003 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

|  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/10/03</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Ross (US 5,734,992).

Re claim 1, Ross teaches a disposable glove 10 that may be used for pet waste, comprising:

a front portion and back portion, the back portion being connected to the front portion form a sheath adapted for encasing dorsal and ventral aspects of a hand 12;  
a plurality tubular finger sleeves (not numbered) extending from the sheath;  
a thumb sleeve (not numbered) extending from the sheath;  
a wrist portion W extending from the sheath; and  
a drawstring 16 disposed about the wrist portion;  
whereby a user may place the glove on the hand, pick up pet waste material with the gloved hand, turn the glove inside out by pulling the drawstring up over the hand and fingers, and tightening the drawstring in order to contain the waste material within the glove 10 for disposal.

Re claim 2, Ross teaches a glove that may be worn on either hand.

Re claim 3, Ross teaches the glove being made from latex (column 4, line 27).

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hayes (US 4,677,697).

Re claim 1, Hayes teaches a disposable glove 21 that may be used for pet waste, comprising:

a front portion and back portion, the back portion being connected to the front portion form a sheath adapted for encasing dorsal and ventral aspects of a hand;

a plurality tubular finger sleeves (not numbered) extending from the sheath;

a thumb sleeve (not numbered) extending from the sheath;

a wrist portion (not numbered) extending from the sheath; and

a drawstring 39 disposed about the wrist portion;

whereby a user may place the glove on the hand, pick up pet waste material with the gloved hand, turn the glove inside out by pulling the drawstring up over the hand and fingers, and tightening the drawstring in order to contain the waste material within the glove 21 for disposal.

Re claim 2, Hayes teaches a glove 21 that may be worn on either hand.

Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoerl (US 6,050,726).

Re claim 1, Hoerl teaches a disposable glove 8 that may be used for pet waste, comprising:

a front portion and back portion, the back portion being connected to the front portion form a sheath adapted for encasing dorsal and ventral aspects of a hand;

a plurality tubular finger sleeves (not numbered) extending from the sheath;  
a thumb sleeve (not numbered) extending from the sheath;  
a wrist portion (not numbered) extending from the sheath; and  
a drawstring 12 disposed about the wrist portion;  
whereby a user may place the glove on the hand, pick up pet waste material with the gloved hand, turn the glove inside out by pulling the drawstring up over the hand and fingers, and tightening the drawstring in order to contain the waste material within the glove 8 for disposal.

Re claim 2, Hoerl teaches a glove 8 that may be worn on either hand.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hayes (US 4,677,697) in view of Ross (US 5,734,992).

Re claim 3, Hayes teaches the glove made of a rubber compound or other pliable material (column 3, line 23) but does not mention latex directly. Ross teaches use of latex gloves since they are fluid impermeable and transmit tactile sensation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made Hayes glove latex both because latex is an example of a rubber

compound or other pliable material and since it is fluid impermeable and transmits tactile sensation.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoerl (US 6,050,726) in view of Ross (US 5,734,992).

Re claim 3, Hoerl teaches the glove made of a plastic or other material (column 3, lines 60-64) but does not mention latex directly. Ross teaches use of latex gloves since they are fluid impermeable and transmit tactile sensation. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have made Hoerl glove latex both because latex is an example of a plastic or other material and since it is fluid impermeable and transmits tactile sensation.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Scott Lowe whose telephone number is 703-305-1940. The examiner can normally be reached on 6:30am-4:30pm M,Tu,Th,F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 703-308-3248. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msl



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